

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Crl.Rev.Pet.No. 757 of 2007()

CRA.328/2003 of ADDL. SESSIONS COURT, FAST TRACK COURT (ADHOC)-I,
PALAKKAD
CC.148/2001 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, PALAKKAD
.....

REVN. PETITIONER/APPELLANT/ACCUSED

M.K.BALADEVA GUPTAN, S/O.SANKARA GUPTAN,
KIZHAKUMPURAM HOUSE, AZHIYANOOR,
OTTAPALAM, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS/COMPLAINANT AND STATE

1. K.V.ITTAN, S/O.VARKI,
KUTTATHU THOTTATHIL HOUSE, MYLAMPULLY,
NAMPULLYPURA, MUNDUR, PALAKKAD DISTRICT.
2. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL R.P. NO. 757 of 2007

Dated 20th day of February, 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the N.I. Act and sentenced to undergo Simple Imprisonment for one year. The case of the revision petitioner is that he had no transaction with the complainant and that the cheque was entrusted with DW1. But it is seen from the evidence of DW1 that he had not supported the version of the accused/revision petitioner. DW1 stated that the cheque was entrusted with him with respect to the monetary transaction between the complainant and accused. The courts below have considered above aspects in detail and discarded the case set up by the accused.

2. I find that revision petitioner has not made out any sufficient grounds to interfere with the concurrent findings of the courts below. Considering the plea of the counsel for the revision petitioner, sentence is modified to Imprisonment till the rising of the court and to pay a compensation of Rs.1,50,000/- to

the complainant vide section 357 (3) Cr.P.C, and in default, to undergo Simple Imprisonment for three months. Revision petitioner is granted 6 months time to pay the amount of compensation. He shall appear before the Judicial First Class Magistrate Court -II, Palakkad on 22.8.2007 to receive sentence.

The revision petition is disposed of as above.

K.R.UDAYABHANU,JUDGE.

mma/-